

REMARKS

This is in response to the Office Action mailed February 9, 2009. Claims 3, 5, 9-13, 15-24, 28-31, 34 and 35 are pending. Claims 11-13, 15-24 and 28-31 have been withdrawn from consideration.

In this amendment, applicants have amended claims 3, 5, 9, 11-13, 29, 34 and 35. Claims 3, 5, 9-10, and 34-35 are pending for Examination. Support for the amendments is found through out the specification. No new matter has been added.

The foregoing amendments are not a disclaimer of the previously claimed subject matter and are not an acquiescence in the correctness of the outstanding rejections.

I. Claim Rejections – 35 USC § 112

Claims 3, 5, 9, 10, 34 and 35 stand rejected under 35 USC § 112, first paragraph, because the specification allegedly does not reasonably provide enablement for making/using “solvate.” In response, applicants have amended claims 3, 5, 9-10, and 34-35 by deleting the term “solvates.”

Claims 3, 5, 9, 10, 34 and 35 stand rejected under 35 USC § 112, second paragraph, because the Examiner alleges that the term “derivative” renders the claims indefinite because the metes and bounds cannot be ascertained. In response, applicants have amended claims 3, 5, 9-10, and 34-35 by deleting the term “pharmaceutically acceptable derivatives.”

CONCLUSION

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Deposit Account No. 01-2300, referencing 030863-00004.

Respectfully submitted,


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